

without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. *See*, MPEP § 803. In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. Applicants respectfully submit that examination of the claims in Groups I-V in the present application would not create an undue burden.

II. Species Election

Applicants elect the following species: a fusion protein comprising the pan Dr binding sequence KFVAAWTLKAA and an immunogenic peptide. Claims 18-26 read on this species.

The election is made with the understanding that upon the determination that the elected species is free of the prior art, additional species will be examined in accordance with MPEP § 803.02, which states that "should no prior art be found that anticipates or renders obvious the elected species, the search of the Markush-type claim will be extended" and that "[t]he prior art search will be extended to the extent necessary to determine the patentability of the Markush-type claim."

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Matthew E. Hinsch
Reg. No. 47,651

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: (415) 576-0300
MEH:meh
SF 1390101 v1